UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SALEM DISTRICT OFFICE

DECISION RATIONALE
For
BUTTERMILK LAKE REGENERATION HARVEST

I have reviewed the proposal and alternatives for the accomplishment of the Buttermilk Lake Regeneration Harvest, a portion of the Fiscal Year 2002 timber sale program for the Marys Peak Resource Area. An environmental analysis was completed (*Buttermilk Lake Regeneration Harvest Environmental Assessment* (EA) number OR-080-00-11, dated January 16, 2002) for the proposed timber sale and associated activities. The proposed project is located in Township 11 South, Range 8 West, Section 6 in the Upper Yaquina River Watershed, Lincoln County. The regeneration harvest would remove approximately 950 thousand board feet (MBF) of timber from approximately 20 acres of 60 to 120 year-old forest utilizing cable yarding systems. The project would include restoration of two acres of upland from brush to conifer. It would also include broadcast burning of approximately 19 acres, and piling and burning slash and/or brush on the remaining 3 acres. Riparian Reserves would not be treated. Approximately 0.2 miles of new ridge top road construction would occur to access the harvest unit, and would be decommissioned following harvest and site preparation. The EA and Finding of No Significant Impact (FONSI) were made available for public review from January 24 to February 22, 2002.

Programmatic documents covering this proposal are the:

Record of Decision and Standards and Guidelines for Amendment to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (S&M ROD, January 2001)

Final Supplemental Environmental Impact Statement For Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (S&M FSEIS, November 2000)

Salem District Record of Decision and Resource Management Plan (ROD/RMP, May 1995)

Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (ROD, April 1994)

Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional Forest Related Species Within the Range of the Northern Spotted Owl (SEIS, February 1994)

Western Oregon Program-Management of Competing Vegetation Final Environmental Impact

Statement (VMFEIS, February 1989) and the *Western Oregon Program-Management of Competing Vegetation Record of Decision (August 1992)*

The Environmental Assessment and FONSI are tiered to the aforementioned environmental documents. All of these documents may be reviewed at the Salem District BLM office, Marys Peak Resource Area, 1717 Fabry Road S.E., Salem, Oregon. Office hours are Monday through Friday, 7:30 a.m. to 4:00 p.m., closed on holidays.

Decision Record

Considering public comment, the content of the EA / FONSI and supporting project record, and the management direction contained in the *ROD/RMP*, I have decided to implement Alternative 1: the proposed action and project design features as described in the EA with the following clarifications and modifications:

Clarifications

- The EA states on page 7 that road constructed for this project would be decommissioned after harvest and site preparation are completed. The decommissioning would consist of blocking the two spur roads, breaking up the surface with an excavator, and seeding with certified red fescue grass seed. Decommissioning of the roads constructed on this project after the harvest would result in no net increase in roads from BLM activities in the watershed as previously stated in the EA.

Modifications

- Approximately 0.2 mile of new road would be constructed and located on the ridge top, rather than 0.3 miles; one spur road would not be needed as previously proposed in the EA. All new construction would be unsurfaced for this project, rather than surfaced as needed with aggregate, and the subgrade would be approximately 12 feet wide rather than 14 feet wide. Landing size would be the minimum necessary for safe and effective operation.

Road Modifications: Eliminating one spur road reduces the total miles of new road construction by 0.1 mile. Log hauling would be restricted to the dry season (EA p. 7), which is unlikely to cause sediment concerns, and decommissioning should be cheaper and easier without the aggregate previously proposed for surfacing new road construction.

Decision Rationale

My rationale for this decision follows:

1. The selected action addresses the identified need for forest products and forest habitat as described in the *ROD/RMP* on pages 1 and 2. The Buttermilk Lake Regeneration Harvest project meets the management objectives for General Forest Management Area (GFMA) by producing a supply of timber through harvest; by providing for important ecological functions and structural components through coarse woody debris, snag and green tree retention; and by providing early successional habitat (EA pp. 2 and 3).

   Alternative 2, no action, does not address *ROD/RMP* or project objectives.

2. The selected alternative is consistent with applicable land use plans, policies, and programs.

3. The selected alternative has design features to minimize negative impacts to affected resources.

A FONSI was issued with the original EA. The clarification and modification do not change the scope of the project analyzed in EA number OR080-00-11, and do not affect the adequacy of the analysis described in the EA. My conclusions in the FONSI have not changed.

Public Involvement

Efforts to involve the public in planning for the proposed action were as follows:

- The general area was shown as GFMA (Matrix) in the Northwest Forest Plan and the RMP. These documents were widely circulated in the state of Oregon and elsewhere, and public review and comment were requested at each step of the planning process.

- A description of the proposal was included in Salem Bureau of Land Management *Project Up-date* issues mailed September and December 2000 and March, July, and September 2001 to more than 1200 individuals and organizations on the mailing list.

- A scoping letter was mailed to adjacent landowners and interested parties on July 25, 2000 requesting identification of issues to be addressed in this EA. A response was received from the Oregon Natural Resources Council and the State of Oregon.

- A legal notice announcing availability of the EA for public review and comment was published in the *Corvallis Gazette-Times* on January 24, 2002. The EA was open for comment from January 24 through February 22, 2002.

- Copies of the EA were mailed to five parties who either responded during the scoping effort or requested a copy. Thirty-five letters were sent to other interested individuals, interest groups and agencies informing them that the EA was available for review on the internet and at the Salem District Office. Two timber companies responded with timber sale operational requests; these were forwarded to BLM timber and engineering groups. One agency, one private citizen and two environmental groups responded with comments on the EA\FONSI. Substantive comments raised in those letter are summarized with responses to those comments in the attached Appendix A.

Consultation

Spotted owls are unlikely to utilize the forest habitat within the proposed unit, due to its very small size and lack of connectivity with any adjacent dispersal habitat. Currently, about 34 percent of local landscape (within 2 miles) provides dispersal habitat for spotted owls, almost of this is on private lands that are rapidly being harvested. Due to its small size and current lack of connectivity with dispersal habitat, the harvest of this proposed unit would have a negligible impact on the condition of dispersal habitat in this vicinity. But still this proposed action is considered a "may affect, likely adverse affect" to spotted owls due to the loss of suitable habitat that has not been surveyed to protocol. This action is also considered a "may affect, likely adverse affect" to the marbled murrelet due to the loss of suitable habitat. All suitable habitat within 0.25 miles of the proposed action has been surveyed to protocol, indicating that murrelets do not currently use this project area. This action lies outside of any critical habitat units that have been designated for either species. This action is not anticipated to have any affect on bald eagles or any other listed wildlife species. To address potential impacts to spotted owls and marbled murrelets, consultation was completed with the U.S. Fish and Wildlife Service, under the *Programmatic Biological Assessment of Fiscal Year 2001 Projects in the North Coast Province which would modify the habitats of Bald Eagles, Northern Spotted Owls, or Marbled Murrelets*. A final Biological Opinion was received on October 4, 2000 (BO# 1-7-2000-F-649), which concluded that the entirety of the planned actions for the fiscal year were not likely to result in jeopardy to these listed species. This Biological Opinion would remain in effect for fiscal year 2002 timber sales, including the proposed action. All applicable terms and conditions from the Biological Opinion would be incorporated into the project design features for this proposed action.

Anadromous fish use Oglesby Creek (approximately ½ mile down stream from the project area), however they do not access the tributaries that enters the proposed harvest unit. Species include Coho salmon (*Oncorhynchus kisutch*) and cutthroat trout (*Oncorhynchus clarkii*). Coastal Coho Salmon are listed as threatened under the Endangered Species Act of 1973. Consultation under Section 7 of the act was accomplished with the National Marine Fisheries Service (NMFS) in accordance with current BLM policy. The Biological Assessment was submitted to National Marine Fisheries Service, and the interagency fish team (Level I) concurred with the determination of "may affect, not likely adverse affect". The Letter of Concurrence was received April 30, 2002, and no additional conservation measures were required**.** Essential Fish Habitat for

chinook or coho salmon in the Yaquina River would not be effected.

Conclusion

As Field Manager of the Marys Peak Resource Area, I reviewed the record for the Buttermilk Lake Regeneration Harvest and have decided to implement Alternative 1, the proposed action, along with the modification described in the Decision Record.

A Finding of No Significant Impact was signed on January 16, 2002. The conclusions reached in that document have not changed.

Protests

In accordance with forest management regulations at 43 CFR 5003.2, the decision for this timber sale will not become effective or be open to formal protest until the Notice of Sale is published "in a newspaper of general circulation in the area where the lands affected by the decision are located." Protests of the sale must be filed within 15 days of the first publication of the notice. For the planned sale date of July 31, 2002, the Notice of Sale would be first published in the *Corvallis Gazette-Times* on or before July 5, 2002.

Protests must be addressed to the Field Manager, Bureau of Land Management, 1717 Fabry Road SE, Salem, Oregon, 97306. Upon receiving a timely protest, I will reconsider my decision in light of the statement of reasons for the protest and other pertinent information. I will prepare a written response to the protest(s) and send my response(s) to the protesting party or parties. My response(s) to the protest(s) may be appealed to the Interior Board of Land Appeals.

Cindy Enstrom _____ 5/31/2002

Cindy Enstrom — Date

Marys Peak Field Manager

Appendix A: Public Comments and BLM Responses

U.S. Fish and Wildlife Service

The EA indicates that the 0.3 mile of road construction will be closed and decommissioned after harvest and site preparation are completed (page 7). The EA does not seem to provide any definition of what that means.

Decommissioning was clarified in response to this comment. The 0.2 mile of road construction for this project would be decommissioned after harvest and site preparation are completed. Decommissioning would consist of blocking the two spur roads, breaking up the surface with an excavator and seeding with certified red fescue seed. Decommissioning of the roads constructed on this project after the harvest would result in no net increase in roads from BLM activities in the watershed as previously stated in the EA.

Kerry J. Hockama

a) The BLM needs to be more active in the sale of timber and the management of the forest.

The amount of timber sold by the BLM has decreased significantly in recent years. The objectives of our management plan has changed since the Northwest Forest Plan (April 1994). One of the present General Forest Management Area objectives is to produce a sustainable supply of timber and other forest commodities to provide jobs and contribute to community stability. Marys Peak Resource Area has met the Salem District *ROD/RMP* allowable sale quantity every year since the Northwest Forest Plan.

b) Your office should also take-up the practice of selling small salvage sales to small business owners once again.

Although small, we do have a salvage sale program. Salvage depends on windthrow that occurs through the winter. The availability of salvage to offer small operators is dependent upon the situation; for example, the need to leave windthrow to provide coarse woody debris, the affect on meeting management objectives of the particular land use allocation, size and location of down material, potential use for fish restoration projects.

American Lands Alliance

a) "*The continued reduction of late-seral stands will inhibit attainment of the GMFA matrix objective and of ACS09 through unacceptable fragmentation and degradation of the remaining late-seral habitat"*

The Northwest Forest Plan reserves late-successional stands in the LSR Land Use Allocation (LUA) on approximately 80% of the Marys Peak Resource Area. In the GFMA LUA which

accounts for approximately 10% of the resource area, measures are taken to provide for important ecological functions by retaining wildlife trees and other design features listed in the EA. Buttermilk Lake is located in the GFMA area where one of the objectives is to produce a sustainable supply of timber and other commodities. The BLM is required to maintain at least 15% of the federal ownership within a fifth field watershed in late-successional forest (S&M ROD C44). After this proposed action the percentage of late-successional forest on federal ownership in the watershed would be greater than 40%. The 15% Analysis for Upper Yaquina River is available to review in the Marys Peak Resource Area NEPA/EA file.

The RMP requires an area equal to the height of one site-potential tree on each side of a non-fish bearing streams be reserved, such as those streams located in the project area. In this case, Riparian Reserves occupy 210 feet in width on each side of each stream identified. Sixteen acres were reserved from the original project area. These Riparian Reserves buffer the streams from the effects of the project and maintain habitat to support native plants, invertebrates and vertebrate riparian-dependent species as required by ACS objective #9.

b) *The proposed regeneration harvest and new roading will not contribute to the attainment of ACS05 and ACS06.*

While we appreciate and share your concern of the impacts of regeneration harvest and new roads, we disagree with your assessment that the regeneration harvest and logging road construction in the Buttermilk Lake project would result in unacceptable hydrological impacts. The BLM is also very concerned with undesirable impacts of regeneration harvest and logging road construction, and have gone to great measures to minimize these impacts. As stated in the EA (pp. 24 - 26), the proposed road construction locations have been reviewed in the field for potential effects to water quality and watershed hydrology. As indicated in the EA, the risk of measurable impacts posed by this proposal is extremely low. The timing, volume, rate, and character of sediment input, storage, and transport is unlikely to be altered in a measurable way, either in the short term or long term, by this proposal. Therefore, it was determined that the proposal would likely *maintain the current sediment regime* in this watershed.

Alterations to stream channel morphology as a result of road construction are also of low probability. New road locations are unlikely to alter peak flow response in the project area by intercepting and delivering surface and ground water more quickly to the stream system because they will not be physically connected to the stream system. There would be no additional ditches or relief culverts routing water to stream channels. Water from these surfaces will be routed to stable soils where it will re-infiltrate. Therefore, it was determined that the new road construction would likely *maintain the current in-stream flow regime* in this watershed.

An increase in early-seral stage vegetation by the conversion of an additional 22 acres in the watershed is unlikely to result in any measurable alteration in the current storm runoff or hydrologic regime. Any changes in the capture and routing of precipitation, if they were to occur, would be minimal. The project is consistent with objectives over the long-term it would maintains in-stream flows.

We disagree with your conclusions that the regeneration harvest and temporary logging road construction proposed in this project would inhibit the attainment of ASC Objectives 5 and 6.

Because the new, temporary logging roads would be outside of Riparian Reserves, any sediment from the roads would have to travel at least 300 feet overland and at least 210 feet from the nearest regeneration area through a forested area before it reached water. The distance from actual water course, the use of the best management practices, and decommissioning the new road construction at the end of the project, makes us confident that the Buttermilk Lake project does not retard or prevent the attainment of ACS Objectives 5 and 6.

c) Your letter makes reference to the water specialist report "*Currently 63% of the watershed is moderately to high risk of alterations of peak flows*".

This statement is in reference to the entire watershed which is primarily controlled by private land owners. Two percent of the watershed is managed by BLM. The probable impact on the water by this project is summed up on the paragraph of page 26 of the EA "*The indeterminate rating does not require that the actions considered under this proposal be delayed or postponed. In fact, the action considered in this proposal, by itself, is unlikely to result in a measurable increase in peak flows over current conditions: forest management on public lands alone (i.e., private lands remain unharvested) is predicted to increase a 2-yr event (unusual storm) from 787 cfs to 788 cfs; an increase of 0.1 percent over current conditions. The increases predicted in this assessment are due almost exclusively to past and assumed future actions on private lands in the watershed and remains below the 20 percent increase in a 2-yr peak flow given as a threshold value for considering the effects of increased bed mobility and bed scour*". With our two percent ownership in the watershed, our action would have a minimal impact on the watershed as a whole. The 38 acre block of BLM timber makes up 0.25% of the total acres in the watershed. Our action would have a negligible impact to the watershed, and it is consistent with management objectives. We are proposing the best management practices to minimize impact to this small upland site.

d) "The proposed harvest area represents the only late-seral forest patch within this two mile vicinity" and "Patches of late-seral forest that are scattered across a landscape which is dominated by younger age-classes may have significant value in retention of biological diversity."EA Page 29.

BLM manages about 472 acres within this watershed (just 1.6 percent of the 5th field watershed). Within the vicinity of the project area BLM manages two adjacent parcels (including the proposed unit) totaling about 120 acres. These two parcels are allocated as General Forest Management Area (GFMA), while the remaining BLM lands are in reserve allocations, and are located in the headwaters of the watershed. Currently, 188 acres (42 percent) of the 448 acres of forested BLM managed lands in the watershed are in late-seral forest conditions. Even if the entire late-seral forest patch within the GFMA allocation were to be harvested, there would still be about 36 percent (160 acres) of the BLM lands in late-seral forest condition in the watershed. This percentage ensures that the proposed action is in compliance with RMP guidelines that require retention of at least 15 percent of the late-seral forest stands on BLM lands within a watershed (RMP, pp. 21-22). The 15% Analysis for Upper Yaquina River is available to view in the Marys Peak Resource Area NEPA/EA file.

e) "As currently written, the proposed project also violates a number of the requirements of the Aquatic Conservation Strategy."

Each ACS objective is addressed in Appendix C of the EA. The project was designed to comply with the Aquatic Conservation Strategy. An analysis of peak flow and risks to aquatic resources was conducted by the resource area hydrologist. See the BLM's response to comment (c) concerning measurable increases in peak flow.

Spatial and temporal connectivity of terrestrial watershed features would be maintained by keeping the Riparian Reserves and Late-Successional Reserves intact in the fifth-field watershed. There would be no logging or associated disturbance in the Riparian Reserves, no stream shading would be lost, and no physical barriers would be created in the aquatic system. The project is consistent with maintaining terrestrial and aquatic connectivity now as well as over the long term.

f) "*The EA also described building new logging roads and then decommissioning them as "watershed restoration". This is patently false. The proposed decommissioning is form of mitigation, not a form of restoration."*

The BLM believes your comment concerning decommissioning and restoration is directed at the Aquatic Conservation Strategy table presented in the Finding of No Significant Impact. Road decommissioning is listed as an action related to watershed restoration in order to make the point that no net increase of roads in the watershed will be associated with this project. Of the four components of the Aquatic Conservation Strategy, this was the most logical component in which to state this project activity.

g) *The lack of Watershed Analysis or a BO from NMFS evidences a lack of information for the public attempting to provide substantive comments regarding this NEPA documentation*.

The interdisciplinary team members referred to the *MidCoast Sixth Field Watershed Assessment*, (July 2001) conducted by the MidCoast Watershed Council for information pertinent to planning this project. A federal watershed analysis is not scheduled at this time due to the minimal amount of land managed by federal agencies. Consultation with National Marine Fisheries Service under section 7 was completed. A letter of Concurrence was received April 30, 2000, and no additional conservation measures were required.

h) *Converting some of the last of the late-seral forest stands to plantations will not meet the spirit or letter of the Northwest Forest Plan.*

One of the GFMA management objectives is to provide habitat for a variety of organisms associated with both late-successional and younger forests. This proposed regeneration harvest would provide additional very-early-seral habitat which provides good feeding habitat for big game species. Coarse woody debris and green tree retention would provide habitat for other species. At the present, the wildlife report indicates only 7 percent of the cover within two miles is very-early-seral. Much of the early-seral (10-39 years of age) cover will be growing into mid-seral in five years leaving a void in early-seral age group.

Oregon Natural Resource Council

a) "BLM should drop the one acre 050 stand; it is the oldest stand in the project area and is small in size"

Including the one-acre 050 stand in the regeneration harvest area would not have an impact on the retention of the few remaining trees. The 050 type stand does have some of the oldest trees in the overall Buttermilk Lake stand; the two-acre 050 type is not a uniform stand, however. In fact, it could have been stand-typed as two different stands, but the inventory person chose to include both acres as one stand type. If the 050 were to be further broken down by stocking level, the north upland acre which is located in the proposed regeneration project would be typed D4-1880 (poorly stocked). There are a total of six conifer trees greater than 36 inches D.B.H., three trees less than 20 inches D.B.H., and two hardwoods. The understory is dense vine maple, ocean spray, sword fern, and Oregon grape. There are also some down trees and snags. With our green tree, down wood, and snag retention commitment (EA, p.8), all or most of the trees standing in the understocked upland 050 acre would be reserved. The 050 upland acre would provide a silvicultural opportunity for stand improvement by increasing the conifer stocking level of this stand. The south 050 acre located in the riparian reserve, on the other hand, is D4- =1880 (fully stocked). The forest survey plot taken in the riparian 050 acre indicated the trees per acre would be approximately 40 trees per acre and the volume would be over a 100 thousand board feet per acre. These trees are not in the regeneration project area; they would remain inside the riparian reserve area.

b) BLM should develop a thinning alternative that does not require new road construction.

Thinning was considered during the planning process for the 030/110 stand, but was dropped after considering problems and merits associated with thinning the 030/110 stand type and harvesting the 020 type which is past culmination and desirable to harvest from a logistical and total impact stand point. The two stand types are blended together and therefore difficult to treat separately. With an estimated six years to culmination of the mean annual increment for the 030/110 stand type, the increase in growth from thinning would not be a significant return before planned harvest at 70 years. Harvesting only the 020 type and leaving the 030/110 areas would be difficult operationally . The same for site preparation; the 030/110 on the ridges would likely be damaged as these stands are uphill from the 020 type. Broadcast burning for site preparation is needed for successful regeneration of the 020 type. Also, when returning later on for the final harvest of 030/110 type, the east spur road would need to be reopened and several acres of the 020 regeneration would be damaged by logging and site preparation for the regeneration harvest. The *ROD/RMP* allows for regeneration harvest for stands as young as 60 years in order to develop a desired age class distribution across the landscape. Our silvilcultural specialist recommended harvesting the proposed stand now as the best option of available General Forest Management Area (GFMA) lands not restricted by other limitation to fulfill the GFMA management objective of producing a sustainable supply of timber and other forest commodities to provide jobs and contribute to community stability (ROD/RMP, p.20). Both the thinning or regeneration harvest options would require spur road construction to yard and haul logs from the stand.

c) ONRC opposes new road construction, although ridge top roads are preferable to mid slope roads.

Using existing roads is our first choice for transportation and operational needs. However, in order to cable yard and haul logs away from the site, construction of the two spur roads would be necessary. The proposed road construction is ridge top. As stated in the decision record, we have eliminated one spur road, and the total road construction is now 0.2 mile rather than 0.3 mile for new road construction. The two remaining spur roads would be on the ridge top and would be mitigated by decommissioning after the harvest. We plan to use an existing BLM road from which to construct the west spur road; the east spur road would be extended along the ridge from an existing private road.

d) In the checkerboard, invasive weeds are especially problematic, as a coordinated effort by multiple landowners to control them is not usually feasible. New road construction, even if mitigated by sound decommissioning practices, exacerbates this problem further by providing vectors for invasive weeds to move throughout the landscape.

The Marys Peak Resource Area botanist completed a risk-rating for noxious weeds (EA, p.15). Even though the risk for long-term establishment is low, the BLM plans to mitigate the potential problem of bare-soil seed beds by seeding an annual red fescue (EA, p.6) Red fescue will occupy the ground for a short term, then allow for adjacent native plants to return to the site.

e) Efforts should be made to retain existing remnant large trees and snags that are providing wildlife habitat.

Project design features as described on page 8 of the EA will provide for retaining remnant large trees and snags:

- Approximately 10 green trees per acre would be retained to meet Green Tree Retention requirement and provide for future snags and down logs;

- Preference in green tree selection would be for those trees located safely away from landings and right-of-ways, and are the oldest trees, or trees with complex structure, crown defects, deeply furrowed bark, or which have visible nest structures;

- All existing snags greater than 12 inches D.B.H. would be retained on site except where they pose a threat to on-site workers or are within rights-of-ways and landings;

f) ONR is concerned that the BLM does not have adequate water quality information to determine if this project will adversely affect fish and water quality.

The Marys Peak Resource Area hydrologist completed an extensive data review and analysis of the hydrological conditions for the project as described in the EA, pages 20 through 26.

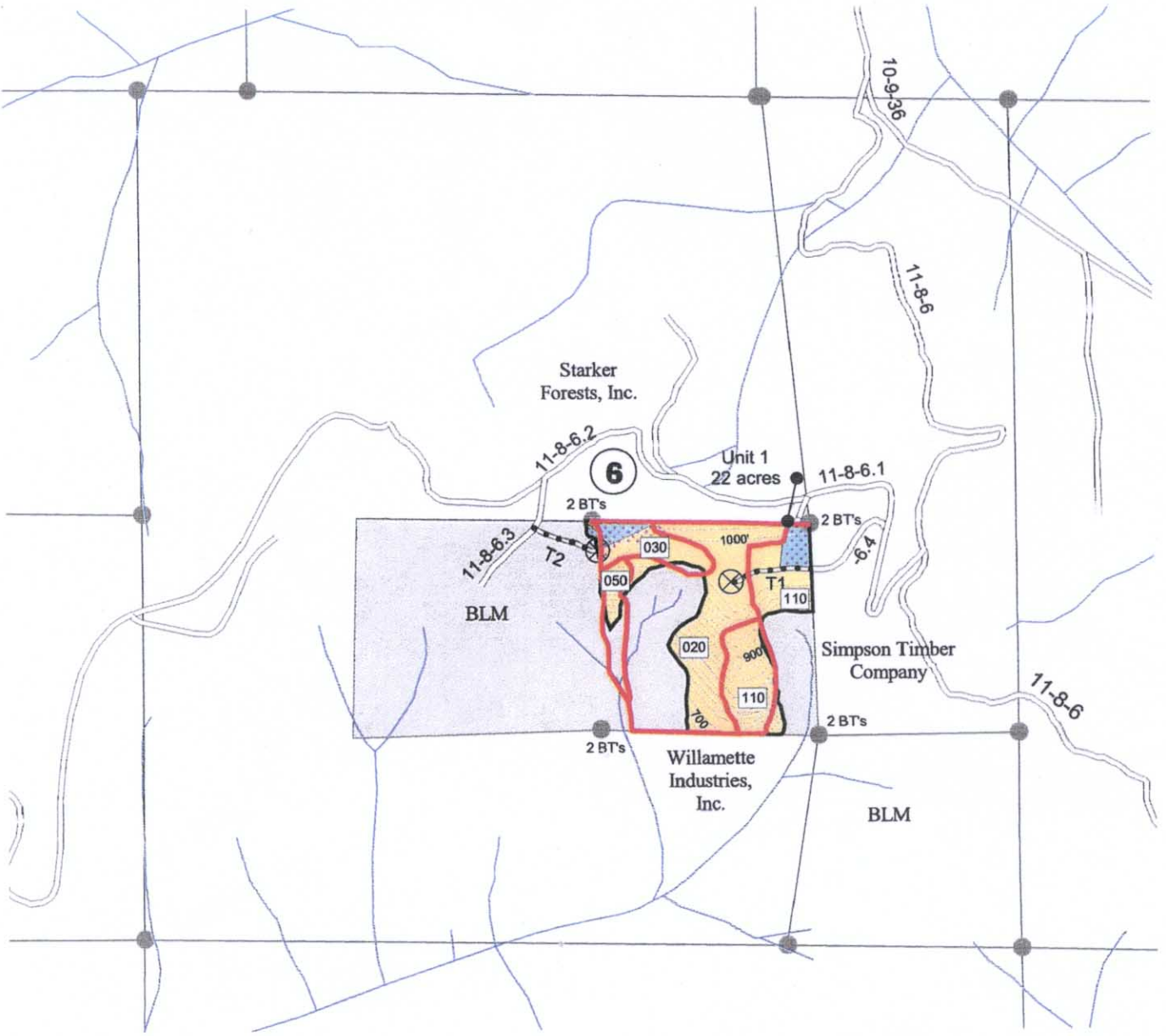
March 26, 2002

United States Departement of the Interior
BUREAU OF LAND MANAGEMENT

Appendix A-1

BUTTERMILK LAKE PROJECT MAP

T. 11 S., R. 8 W., Section 6, W. M. - SALEM DISTRICT - OREGON



LEGEND

- Existing Road
- Road to be constructed
- Streams
- Regeneration Harvest - Skyline yarding
- Area of brush conversion
- Area to be machine piled
- Reserve area
- Stand type
- Gate
- Landing

N

Scale: 1" = 1,000'